

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

HARRY G. SCHORTMANN, JR. and)	
JACQUELINE SCHORTMANN, PRO SE,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 04-11011-MLW
)	
INTERNAL REVENUE SERVICE OF THE)	
UNITED STATES GOVERNMENT,)	
)	
Defendant.)	

UNITED STATES MOTION TO DISMISS COMPLAINT, OR, IN THE ALTERNATIVE,
TRANSFER CASE TO THE UNITED STATES COURT OF FEDERAL CLAIMS

The United States moves to dismiss this proceeding on the grounds that jurisdiction is not proper in this Court. In the alternative, the United States moves to transfer this case to the United States Court of Federal Claims pursuant to 28 U.S.C. § 1631, as this case may properly be brought only in that forum pursuant to 28 U.S.C. § 1491.

Pursuant to Local Rule 7.1, counsel for the United States informed the plaintiffs of the United States' intention to file this motion.

I hereby certify that a true copy of the above document was served upon (each party appearing pro se and) the attorney of record for each other party by mail on

4/18/05 - Lydia Bottome Turanchik

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

BARBARA HEALY SMITH
Assistant United States Attorney

/s/ Lydia Bottome Turanchik
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